IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 27222 of 2006(N)

PETITIONER:

S.RAJEEV KUMAR,
KAMALA NIVAS, ARYAD NORTH P.O.,
ALAPPUZHA.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:

---

1. TRAVANCORE DEVASWOM BOARD,
REP. BY ITS SECRETARY,
THIRUVANANTHAPURAM.

2. DEVASWOM COMMISSIONER,
THIRUVANANTHAPURAM.

BY SHRI.D.SREEKUMAR, SC, TDB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.2722/2006.

Petitioner's Exhibits:-

P1: Copy of the application for employment under the Rules for appointment of relatives/dependents of Devaswom Employees, dying in harness.

P2: Copy of the letter issued by Asst. Devaswom Commissioner, Ambalappuzha.

P3: Copy of the Communication issued by the 2nd respondent to the petitioner dtd.17-3-1999.

P4: Copy of the communication dtd.23-4-2001 issued by the 1st respondent to the petitioner.

P5: Copy of the communication dtd.20-8-2001 issued by the 1st respondent to the petitioner.

P6: Copy of the undertaking in a stamp paper worth Rs.50/- dtd.10-10-2003.

P7: Copy of the communication issued by the 1st respondent to the petitioner dtd.18-11-2003.

P8: Copy of the communication issued by the 2nd respondent to the petitioner dtd.16-1-2006.

P9: Copy of the News item appeared in Mangalam Daily dtd.21-8-2006.

P10: Copy of the communication issued by the 1st respondent to the petitioner dated 28-2-2005.

Respondents' Exhibits:-

1st Respondent's Exhibits:

R1(a): Copy of the second list of clerks under dying in harness scheme containing 25 persons.

R1(b): Copy of the third list of clerks containing 31 persons under the dying in harness scheme.

R1(c): Copy of the list of peons under the dying in harness scheme containing 30 persons.

R1(d): Copy of the ROC No.8324/06/Est 4, dtd.13-10-2006 issued by the Secretary Travancore Devaswom Board.

-// true copy //-

P.A. To Judge.

kvs/-

K.K.DENESAN, J.

==========

WP(C).No.27222 of 2006-N.

==========

Dated this the 9th day of March, 2007.

J U D G M E N T

The petitioner is a Commerce Graduate. He has acquired Diploma in Computer Application and has passed Typewriting Lower (English). His father late Sri.Subramanian Potty was a Santhi in the service of the 1st respondent. Sri.Subramanian Potty died on 15-7-1997. The petitioner submitted an application before the respondents to consider his case for appointment as Lower Division Clerk on compassionate grounds under the dying in harness scheme. Since it was found that the petitioner's turn for considering his case for appointment as L.D.Clerk under the dying in harness scheme is not likely to reach in the near future for want of sufficient number of vacancies in that category, he expressed his willingness to be considered for appointment to the last grade post of Peon and to include his name in the list of persons for appointment to the post of Peon under the dying in harness scheme.

The application filed by the petitioner was considered and was allowed by the respondents. What has subsequently transpired can be seen from paragraph 3 of the additional affidavit filed on behalf of the respondents before this Court on 24-1-2007. Para.3 reads:

> "3. It is submitted that since petitioner could not be given appointment as Clerk/IInd grade sub group officer from the lists prepared in near future, petitioner submitted application for getting appointment as peon under the Dying in Harness Scheme by waiving his right to get appointment as Clerk from the third list. The Travancore Devaswom Board as per Exhibit P7 allowed the request of the petitioner and on the basis of the date of death of the Devaswom employee, petitioner's name has been included as serial number 19 in Exhibit R1(c) list. From Exhibit R1(c) list candidates upto serial number 8 are given appointment as peon. From Exhibit R1(c) list serial numbers 10, 12, 13 and 15 were given appointment as temple employees as per their request and petitioner will be given appointment on the basis of the availability of vacancy and his position in Exhibit R1 (c) list."

2. Counsel for the petitioner submits that the petitioner will be satisfied if this Court is pleased

to record the above sworn statement made by the respondents and dispose of the writ petition with appropriate directions.

3. Heard counsel for the respondents also.

4. In the circumstances, this writ petition is disposed of recording the statement made by the respondents in the additional affidavit, particularly, para.3 thereof and directing the respondents to consider the case of the petitioner and to appoint him as soon as his turn for appointment to the post of Peon in the service of the respondents reaches.

K.K.DENESAN, JUDGE.

kvs/-